

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
February 28, 2017 9:30 A.M.

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204

Board Members Present:

Shelley Krovitz, Vice Chair
Arlene Rae Malay
Robert E. Martin

Timothy L. Brooks, Secretary
Paul Garibay
Ryan Minic

Board Members Absent:

Joseph James Wolf, Chair

Division Staff Present:

Lorna Candler, Director
Bernadette Esquibel, Program Specialist
Jessica Googins, Program Specialist
Loretta Perez, Administrative Assistant III

Mary Kanaly, Deputy Director & Compliance Officer
Lisa Hill, Program Coordinator
April Cordova, Program Specialist
Brad Uyemura, Compliance Officer

Board Counsel Present:

Jacquelynn Rich Fredericks, Assistant Attorney General, Office of the Colorado Attorney General

Department of Higher Education:

Heather DeLange, Academic Policy Officer, Office of Private Postsecondary Education

Guests Present:

Bret Fund, SecureSet Academy
Brad Davis, SecureSet Academy
Pao-Chin Huang, Rusetto College
Traci Lisk Jones, Academy of Massage Essentials
Bonnie Babcock, Sage Technical Services
John Carreon, Ecotech Institute
Mike Peyer, Kaplan
Bruce Stassen, Leaderquest Holdings, Inc.,
Teresa Littell, Critter Clips School of Dog Grooming
Kim Matheny, Critter Clips School of Dog Grooming
Leslie Ballentine, At-Home Professions
Janet Perry, At-Home Professions
Gayla Henry, International Salon and Spa Academy
Megan Jurado, Leaderquest Holdings, Inc.,
Jennifer Stohbl, Leaderquest Holdings, Inc.,
Bruce MacIntosh, MacIntosh Real Estate School
Chris Gorrie, Ecotech Institute
Amy Meixsell, PARSEC Group
Stuart Crair, Digital Workshop Center
Karren Hall, Cuttin Up Beauty Academy

Lucinda Tusa, The White Magnolia Advanced Skin Care Institute
Barbara Seideneck, Homeopathy School International
Sarah Kraft, Birth Institute
Joel Scimeca, CollegeAmerica

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Shelley Krovitz, Vice Chair, at 9:30 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the January 24, 2017 Minutes:

Following review and consideration of the January 24, 2017 meeting minutes, a motion was made by Mr. Brooks to approve the minutes as written. The motion was seconded and carried.

Consideration of Approval of the January 24, 2017 Executive Session Minutes:

Following review and consideration of the January 24, 2017 executive session minutes, a motion was made by Mr. Brooks to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda

Director Candler requested that one items be added to #B Consideration of Renewal of Certificate of Approval as #9 Leaderquest Holdings, Inc. and #D Consideration of Change of Ownership #1 remove Barnett Bicycle Company.

Director/ Staff Report:

Director Candler announced that the Department of Higher Education has a new Executive Director, Dr. Kim Hunter Reed. Dr. Reed has extensive education experience; she is former Louisiana higher education official and most recently served in President Obama's Administration as Deputy under Secretary of Education.

Director Candler advised the Board that staff has been responding to legislative bills and reminded the Board that the fee increase went into effect on January 31, 2017.

Director Candler updated the Board on the 2017 renewal work load.

Monthly Statistics

The Board reviewed the memorandum prepared by the Division.

New Business/Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. Hair Fusion Salon and School - Durango

Program Specialist Esquibel presented to the Board for review and consideration one new program: Barber Course; and one new stand-alone course: Barber add on for Current Cosmetologist. A school representative was not present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced program and course effective February 28, 2017. The motion was seconded and carried.

2. The Salon Professionals Academy – Grand Junction

Program Specialist Googins presented to the Board for review and consideration two new programs: 1. Barber Program; and 2. Cosmetology to Barber Program. A school representative was available via telephone. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs, Ms. Malay motioned to approve the above-referenced programs effective February 28, 2017. The motion was seconded and carried.

3. Sage Technical Services - Henderson

Program Specialist Googins presented to the Board for review and consideration one new program: Commercial Truck Driver, Essentials (CDL 2150). A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced program effective February 28, 2017. The motion was seconded and carried.

4. AT-Home Professions – Fort Collins

Program Specialist Googins presented to the Board for review and consideration one new program: Medical Coding and Billing. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced program effective February 28, 2017. The motion was seconded and carried.

5. Cuttin Up Beauty Academy - Denver

Program Specialist Googins presented to the Board for review and consideration two new programs: 1. Cosmetology; and 2. Barbering. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs, Ms. Malay motioned to approve the above-referenced programs effective February 28, 2017. The motion was seconded and carried.

6. The White Magnolia Advanced Skin Care Institute – Fort Collins

Program Specialist Cordova presented to the Board for review and consideration five new stand alone courses: 1. Advanced Esthetics Massage; 2. Brazilian Waxing; 3. Lash Extensions; 4. Microneedling; and 5. Permanent Makeup. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new courses, Ms. Malay motioned to approve the above-referenced courses effective February 28, 2017. The motion was seconded and carried.

B. Consideration of Renewal of Certificate of Approval

1. Ruseto College - Boulder

Program Specialist Esquibel presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

2. Ecotech Institute - Aurora

Program Specialist Esquibel presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

3. MacIntosh Real Estate School - Arvada

Program Specialist Esquibel presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

4. Solar Energy International - Paonia

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was available via telephone. Mr. Brooks motioned that this matter be tabled until the next board meeting. The motion was seconded and carried.

5. Critter Clips School of Dog Grooming – Colorado Springs

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

6. Homeopathy School International - Loveland

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

7. PARSEC Group - Denver

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

8. TMD Equine University - Loveland

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was available via telephone. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

9. Leaderquest Holdings, Inc. – Colorado Springs

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

C. Consideration of Renewal of Certificate of Approval with Programs/ Courses

1. Academy of Massage Essentials – Colorado Springs

Program Specialist Esquibel presented to the Board for review and consideration renewal of the school's Certificate of Approval and approval and one new stand-alone course: Hot Stone Therapy Massage. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal and new course, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017, and ending June 30, 2020, and the above-referenced new course effective February 28, 2017. The motion was seconded and carried.

2. Digital Workshop Center – Fort Collins

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and one new program: Fundamental Video Design Certification; and two new courses: 1. Adobe After Effects; and 2. Adobe Premier Pro. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal and program and courses, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017, and ending June 30, 2020, and the above-referenced program and courses effective February 28, 2017. The motion was seconded and carried.

3. International Salon and Spa Academy – Colorado Springs

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and three new stand-alone courses: 1. Derma Planning; 2. Eye Lash Extensions; and 3. Hydro Dermabrasion and reapprove of five revised programs and four stand-alone courses presented with additional information required by the Division one revised program: Esthetics was tabled until next month's meeting. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal and new courses, revised programs; and revised courses. Mr. Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017, and ending June 30, 2020, and the above-referenced new and revised programs and courses effective February 28, 2017. The motion was seconded and carried.

4. SecureSet Academy - Denver

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and approval and one new program: Hunt Analyst. School representatives were present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal and new course, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017, and ending June 30, 2020, and the above-referenced new program effective February 28, 2017. The motion was seconded and carried.

D. Consideration of Change of Ownership

1. Kaplan Professional School – Inspection Training – and Kaplan Professional Schools- Jones College (D)

Program Specialist Hill presented to the Board for review and consideration a change of ownership. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the change of ownership, Mr. Brooks motioned to approve the Change of Ownership Certificate of Approval for Virginia College LLC, DBA Brightwood College as the new owner, effective February 28, 2017. The motion was seconded and carried.

Ms. Malay motioned to issue a fine in the amount of \$1,000.00 for the 18 month delay in filing the change of ownership and a fee of \$3,250.00; the difference between the old and the new change of ownership application fee. The motion was seconded and passed.

2. Kaplan Professional School Financial Institute - D

Director Candler discussed the request for emergency instructor provision pursuant to Rule III.E.2.f for Kaplan Financial securities Instructors. Mr. Martin motioned to approve the request for one year as requested by Kaplan Financial Institute. The motion was seconded and carried.

D. Notification of School Closings / Change of Status (No action required)

1. Denver School of Hypnotherapy - Aurora
2. Snowmass Village Salon, Inc. – Snowmass Village
3. The Iron Yard – Lone Tree

The Board was notified of the closing. No action taken.

Motion was by Ms. Candler to take a 10 minute break at 11:30 A.M. The motion was seconded and carried.

The meeting of the Private Occupational Schools Board was called back to order by Shelley Krovitz, Vice Chair, at 11:40 A.M

Other Business:

1. Unauthorized Schools Update

Program Coordinator Lisa Hill provided the Board with a Memorandum Seeking Legal Advice. Motion made by Ms. Malay to be discussed in Executive Session. Motion seconded and carried.

2. ACISC Quality Assurance Monitoring Visits

Director Candler updated the Board on the status of ACICS.

Director Candler has reached out to the schools and will reach out again and get an assessment on the schools that are seeking alternative accreditation and bring the information back to board at the next meeting.

3. CEHE Monthly Updates

Director Candler briefly summarized the recent monitoring reports provided by CollegeAmerica. Mr. Brooks motioned to move this matter to be discussed in Executive Session. Motion seconded and carried.

4. Westline Academy of Barbering – Colorado Springs

Deputy Director Kanaly summarized several noncompliance concerns identified during the investigation of this school upon receiving a phone call from the Veteran Affairs Office. Mr. Brooks motioned to move this matter to be discussed in Executive Session. Motion seconded and carried.

5. Birth Institute – Boulder – Noncompliance Issues concerning closure & record update

Deputy Director Kanaly gave the Board an update on the Birth Institute closure. The Division has been working with the school owner to collect the student records. The Division has attached the bond in the amount of \$89,000.00 and the bond company agreed to release the funds, however, the bond is not enough to reimburse students. The Division has received about 25 to 30 student complaints along with numerous requests for transcripts. The director of the school Ms. Kraft addressed the Board. Mr. Brooks motioned to move this matter to be discussed in Executive Session. Motion seconded and carried.

6. Living Arts Massage and Bodywork School (LAMBS) – Westminster – Noncompliance issues including closure and records

Director Kanaly informed the board that the school closed improperly and has not provided all of the records as required under our Act. Motion made by Mr. Martin to subpoena the all records including enrolment agreements from all of the owners. Motion seconded and carried.

Mr. Joseph Martin, former student of LAMBS, addressed the Board.

7. AIBC – Status Report

Ms. Rich Fredericks, Assistant Attorney General updated the Board on litigation with AIBC.

8. Rule 800 Medical Board Rule

Deputy Director Kanaly advised the Board that the Colorado medical board submitted rules concerning students practicing medical esthetic services.

After consideration and discussion of the each of the previous matter, Ms. Malay motioned to convene in executive session to confer with the Board's attorney and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, to receive legal advice regarding CEHE Monthly Updates, Westline Academy of Barbering and Birth Institute; and with minimum standards specified in the Private Occupational School Act, C.R.S. §12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division staff as deemed necessary at 12:19 P.M.

Members of the public left the room during executive session.

Ms. Candler noted that Heather DeLange, Academic Policy Officer, Office of Private Postsecondary Education (OPPE), as present as OPPE and DPOS co-regulate CEHE (College America).

Mr. Martin and Ms. Delange left the meeting at 12:40 P.M.

The Board resumed open session at 12:53 p.m. The public session recorder was turned on and the general public was welcomed back.

Assistant Attorney General Rich Fredericks affirmed for the record that this Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in what in good faith is believed to be attorney-client privileged matters required to be kept confidential.

Other Business:

1. CEHE Monthly Updates

The Board directed Ms. Rich Fredericks, Assistant Attorney General, to review the language in Stipulation Agreement and advise the Board at the next meeting.

2. Westline Academy of Barbering – Colorado Springs

After further discussing the multiple violations of minimum standards identified in investigation, Ms. Malay motioned that the Division issue a notice of noncompliance pursuant to §12-59-106(1)(c),(d), and (e), C.R.S., with a timeline of 14 day to respond. The motion was seconded and carried.

3. Birth Institute – Boulder – Noncompliance Issues concerning closure & record update

The Board discussed Ms. Kraft obligation and continued failure to timely provide student records advising that the Board has an obligation to protect student. In order to address the numerous complaints filed and to determine whether students are due a refund, the Division must have all student records. Mr. Minic motioned that the Division issue a subpoena to Ms. Kraft for all student records; and specifically advised that included all information on her computer and all transcripts which must be produced within 14 days. The motion was seconded and carried.

Adjournment:

Mr. Brooks motioned to adjourn the meeting at 12:59 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday March 28, 2017, at 9:30 a.m. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204
Telephone (303) 862-3001